

AMENDMENTS TO THE DRAWINGS

The attached 17 sheets of drawings include Figs. 1-18, replacing the original 17 sheets that included Figs. 1-18.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Summary of the Office Action

Claims 12-20 have been withdrawn from further consideration.

New corrected drawings have been requested.

Claims 1-10 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 6,264,625 to Rubenstein et al. ("*Rubenstein*")

Claims 9-11 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 6,436,087 to Lewis et al. ("*Lewis*")

Applicant's Response

A. In the Specification

Paragraphs [0046] and [0052] have been amended to correct typing errors. No new matter has been added.

B. In the Drawings

Seventeen new drawing sheet are enclosed herein, providing greater readability than the original drawings. No new matter has been added.

C. In the Claims

Claims 1-20 are pending in the application. Claims 1-7 have been amended, claims 8-11 have been canceled, claims 12-20 have been withdrawn, and new claims 21-35 have been introduced. Therefore, upon entry of the present amendment, claims 1-7 and 21-35 will be subject to examination. All the new claims are supported by the description in the specification, and no new matter has been added.

1. The 35 U.S.C. 102(b) Rejection over *Rubenstein*

A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegall Bros. v. Union Oil of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Further, an anticipating prior art patent or

printed publication must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 1566, 1567 (Fed. Cir. 1988).

Because claims 9-10 have been canceled, this rejection is moot with regard to those claims. Additionally, *Rubenstein* does not anticipate claims 1-7, as currently amended, or new claims 21-32.

Rubenstein discloses a method and apparatus for treating adult-onset dementia, in which a conduit connects a patient's subarachnoid space with another body cavity. Fluid flow is triggered by a pressure increase in the subarachnoid space and is regulated by disposing a flow regulator along the conduit, for example, a constricting ring (FIG. 2) or a pump (FIG. 5A).

More specifically, *Rubenstein* discloses, for example at col. 18, lines 16-36 and at FIG. 24, that the system consists of a ventricular access catheter 502, a peritoneal catheter 506, and a flow control module 504 disposed between ventricular access catheter 502 and peritoneal catheter 506.

Rubenstein does not disclose that "the pump is disposed in a housing made of a biocompatible material and having an anti-infective coating," as claimed in independent claim 1. This limitation is aimed at preventing infections observed after implantations of systems of the prior art. Therefore, at least one element of amended claim 1 is not found in the *Rubenstein* reference.

Dependent claims 2-7 are patentable for the same reasons as independent claim 1 and for the additional limitations contained in those claims. As examples of the additional limitations, while *Rubenstein* emphasizes throughout the specification that flow within the system is activated by pressure increases in the subarachnoid space, *Rubenstein* does not teach or suggest that flow is activated by pressure increases in the second body cavity (e.g., the bladder) or by chemical changes in the first or second body cavities.

Concerning new claims 21-32, *Rubenstein* does not disclose that the system includes "a shunt anchoring at least one of the one or more conduits to a wall of the second body cavity, wherein the shunt is structured to regulate flow from the first body cavity to the second body

cavity in response to changes in one or more predetermined body parameters,” as claimed in Applicant’s claim 21. Therefore, at least one element of new claim 21 is not found in the *Rubenstein* reference.

New claims 22-32 depend from claim 21 and are patentable over *Rubenstein* for the same reasons as independent claim 21 and for the additional limitations contained therein. As previously discussed, *Rubenstein* emphasizes throughout the specification that flow within the system is activated by pressure increases in the subarachnoid space and does not teach or suggest that flow is activated by pressure increases in the second body cavity (e.g., the bladder) or by chemical changes in the first or second body cavities. Because *Rubenstein* does not teach a shunt, *Rubenstein* does also not teach the specific constructive details of the shunt disclosed in some of the dependent claims.

Concerning new claims 33-35, *Rubenstein* also does not teach that the housing of the pump “comprises anchors opposing rotational forces generated by the pump.” This limitation is aimed at preventing of erosions of bodily tissues caused by pumps of the prior art, due to rotational movements of the pumps during use.

2. The 35 U.S.C. 102(b) Rejection over *Lewis*.

Because claims 9-11 have been canceled, this rejection is moot with regard to those claims. Additionally, *Lewis* does not anticipate new claims 21-35.

Lewis discloses methods and systems for treating total and partial occlusions that employ a perfusion conduit penetrated through the occlusive material. An oxygenated medium is pumped through the conduit at a rate and pressure sufficient to relieve ischemia downstream from the blockage. The oxygenated medium is preferably blood taken from the patient being treated.

Concerning new claims 21-32, *Lewis* does not disclose “a shunt anchoring at least one of the one or more conduits to a wall of the second body cavity, wherein the shunt is structured to regulate flow from the first body cavity to the second body cavity in response to changes in one or more predetermined body parameters,” as in new claim 21. Therefore, at least one element of new claim 21 is not found, neither expressly or inherently, in the *Lewis* reference.

New claims 22-32 depend from claim 21 and are patentable over *Lewis* for the same reasons as independent claim 21 and for the additional limitations contained therein

Concerning new claims 33-35, *Lewis* also does not teach that the housing of the pump “comprises anchors opposing rotational forces generated by the pump.”

Conclusion

In view of the foregoing amendments and remarks, Applicants submits that the present application is now in condition for allowance and respectfully requests the timely issue of a notice to that effect.

Dated: March 19, 2007

Respectfully submitted,



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